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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,765

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Pierluca Lombardi

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07/15/2010

Law Office of Alan W. Cannon  
942 Mesa Oak Court  
Sunnyvale, CA 94086

EXAMINER

GILBERT, ANDREW M

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

07/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,765	<b>Applicant(s)</b> LOMBARDI, PIERLUCA	
	<b>Examiner</b> ANDREW M. GILBERT	<b>Art Unit</b> 3767	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 15, 16, 18-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21, 23 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 13, 15, 16, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Acknowledgments***

1. This office action is in response to the reply filed on 1/28/2010.
2. In the reply, the Applicant amended claims 13 and added new claims 28. Claims 19-20 were previously withdrawn.
3. Thus, claims 13, 15-16, 18, 21, 23-28 are pending for examination.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 15-16, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (4623335) in view of Woodworth et al (4550747). Jackson discloses an apparatus for regulating pressure applied during a medical procedure, comprising: an cylindrical inelastic housing (24) enclosing an inner volume, the cylindrical housing having a first and second end (respective end of syringe 24 and end that contacts the needle portion 12, 30) forming said cylindrical housing; and a plunger (25) for applying pressure to the inner volume and being slidably disposed within the inelastic housing (Fig 1); an aperture (distal opening of 26 that is in fluid communication with the needle 12) in the housing for conveying pressure from the housing during medical procedure, and a pressure-operated valve (22; Fig 2) coupled between the inner volume of the housing and a space outside of the inner volume of the housing for

allowing pressure to escape from the inner volume of the housing through the valve when pressure in the housing exceeds a threshold, whereby the valve releases pressure from within the inner volume of the housing (Figs 1-4; col 5, lns 32-col 6, lns 3); wherein the pressure operate valve comprises an opening (68), a plunger (44) disposed within the inner volume of the housing; a spring (52) disposed within the inner volume of the housing, wherein the spring is positioned between the second end of the housing and the plunger (Fig 2), wherein the plunger in a rest position is between the opening and the aperture (Fig 2), and wherein as fluid is inserted into the inner volume of the housing via the aperture, increased pressure within the inner volume of the housing moves the plunger toward the opening (Figs 1-4; col 5, lns 32-col 6, lns 3); wherein the opening is positioned in a side of the housing providing access to the inner volume of the housing (68; Fig 2), wherein at normal pressure the opening is closer to the second end than the plunger and wherein as pressure within the inner volume of the housing increases so as to move the plunger past the opening (Figs 1-4), the pressure within the inner housing is released through the opening (Figs 1-4; col 5, lns 32-col 6, lns 3); wherein the threshold is set by a spring exerting a force which must be overcome to exceed the threshold (Figs 1-4; col 5, lns 32-col 6, lns 3).

6. However, Jackson does not disclose that the pressure operated valve is adapted to allow manual selection of the threshold, during use, from a plurality of different pre-set thresholds by manually contacting said apparatus to perform manual selection by manual contact, wherein the threshold pressure levels intermediate of two of any of said discrete, pre-set threshold pressure levels cannot be selected; wherein a movable

member which can be positioned between at least two different positions corresponding to different forces of the spring which must be overcome to exceed the threshold.

7.      Woodworth et al teaches that it is known to have a pressure operated valve adapted to allow selection of the threshold during use from a plurality of different thresholds (Summary; col 1, lns 11-15; col 5, lns 60-67) by manually contacting said apparatus to perform manual selection by manual contact (Summary; col 1, lns 11-15; col 5, lns 60-67; the user Manually controls the force by manual user input into a computer controlled pressure relief valve. The force values are manually entered by the user into the computer controlled system); wherein the threshold pressure levels intermediate of two of any of said discrete, pre-set threshold pressure levels cannot be selected (Summary; col 1, lns 11-15), wherein the user controls the force and thus the threshold via the adjustment member and a movable member (piston) which can be positioned between at least two different positions corresponding to different forces of the spring which must be overcome to exceed the threshold (Summary; col 1, lns 11-15; col 5, lns 60-67) for the purpose of having a user set computer controlled pressure relief valve with improved accuracy over more than one user set discrete pressure value. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spring system as taught by Jackson with the having spring system, piston, and a user set computer controlled pressure relief valve as taught by Woodworth et al for the purpose of having a user set computer controlled pressure relief valve with improved accuracy over more than one user set discrete pressure value.

***Allowable Subject Matter***

1. Claims 21, 23, 26, 27, 28 are allowed.
2. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments filed 7/9/2010 have been fully considered but they are not persuasive.
4. The applicant argues that Woodworth et al does not disclose manual selection by the user manually contacting said apparatus to perform manual selection.
5. The Examiner disagrees. Woodworth et al teaches that it is known to have a pressure operated valve adapted to allow selection of the threshold during use from a plurality of different thresholds (Summary; col 1, lns 11-15; col 5, lns 60-67) by manually contacting said apparatus to perform manual selection by manual contact (Summary; col 1, lns 11-15; col 5, lns 60-67). The user manually controls the force by manual user input into a computer controlled pressure relief valve. The force values are manually entered by the user into the computer controlled system. Thus, Woodworth teaches manually contacting the apparatus to perform a manual selection by manual contact by the user of a programmable computer or host controller. The rejection is maintained.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW M. GILBERT whose telephone number is

(571)272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew M Gilbert/  
Examiner, Art Unit 3767

/KEVIN C. SIRMONS/  
Supervisory Patent Examiner, Art Unit 3767